

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DAMONIE EARL, LINDA RUGG, ALESA
BECK, TIMOTHY BLAKELY, JR.,
STEPHANIE BLAKELY, MARISA
THOMPSON, MUHAMMAD MUDDASIR
KHAN, ELIZABETH COOPER, JOHN
ROGERS, VALERIE MORTZ-ROGERS, and
LAKESHA GOGGINS, each individually and
on behalf of all others similarly situated,

Plaintiffs.

v.

THE BOEING COMPANY,
SOUTHWEST AIRLINES CO.,

Defendants.

Civil Action No. 4:19-cv-00507

**DECLARATION OF BRIAN J. DUNNE IN SUPPORT OF
PLAINTIFFS' MOTION TO AMEND THE SCHEDULING ORDER**

I, Brian J. Dunne, declare as follows:

1. I am an attorney duly admitted to practice in the Eastern District of Texas, and a partner at the law firm of Bathaee Dunne, LLP, counsel of record for plaintiffs in this action. I am a member of good standing of the Bar of the State of California. I have personal knowledge of, and if called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto as "Exhibit A" is a Proposed Second Amended Scheduling Order in this Action.

3. Attached hereto as “Exhibit B” is a true and correct copy of a May 6, 2020 email chain between counsel in this action.

4. Attached hereto as “Exhibit C” is a true and correct copy of the February 25, 2020 Transcript of Proceedings before this Court in this action.

5. Attached hereto as “Exhibit D” is a true and correct copy of a May 5, 2020 email chain between counsel in this action.

6. Attached hereto as “Exhibit E” is a true and correct copy of an April 30, 2020 letter I sent to Michael A. Swartzendruber, counsel for Southwest in this action.

7. Attached hereto as “Exhibit F” is a true and correct copy of a May 11 email chain between counsel in this action.

8. Attached hereto as “Exhibit G” is a true and correct copy of a May 21, 2019 email chain bearing bates stamps SWA_Earl_00152179 – SWA_Earl_00152181.

9. Attached hereto as “Exhibit H” is a true and correct copy of a June 5, 2019 email chain bearing bates stamps SWA_Earl_00459306 – SWA_Earl_004593909.

10. Attached hereto as “Exhibit I” is a true and correct copy of an October 16, 2019 New York Times article Read the Boeing Pilot Messages From 2016: ‘The Plane Is Trimming Itself Like Crazy.’” *The New York Times*, Oct. 18, 2019 (available at:

<https://www.nytimes.com/2019/10/18/business/boeing-pilot-messages.html>).

11. Attached hereto as “Exhibit J” is a true and correct copy of a September 20, 2016 chat transcript produced by Boeing in this matter bearing bates stamp BOE_EDTX_04_0000055. Boeing applied all redactions on the transcript.

12. Attached hereto as “Exhibit K” is a true and correct copy of a June 7, 2017 chat transcript produced by Boeing in this matter bearing bates stamps BOE_EDTX_04_0000032 – BOE_EDTX_04_0000037. Boeing applied all redactions on the transcript.

13. Attached hereto as “Exhibit L” is a true and correct copy of a November 6, 2018 email chain bearing bates stamp SWA_Earl_00470756.

14. Attached hereto as “Exhibit M” is a true and correct copy of a November 6, 2018 email chain bearing bates stamp SWA_Earl_00470769 – SWA_Earl_00470770.

15. Attached hereto as “Exhibit N” is a true and correct copy of a November 7, 2018 email chain bearing bates stamps SWA_Earl_00470787 – SWA_Earl_00470788.

16. Attached hereto as “Exhibit O” is a true and correct copy of a November 7, 2018 email chain bearing bates stamps SWA_Earl_00470800 – SWA_Earl_00470802.

17. Attached hereto as “Exhibit P” is a true and correct copy of a November 7, 2018 email chain bearing bates stamps SWA_Earl_00470844 – SWA_Earl_00470846.

18. Attached hereto as “Exhibit Q” is a true and correct copy a November 7, 2018 email chain bearing bates stamps SWA_Earl_00470869 – SWA_Earl_00470871.

19. Attached hereto as “Exhibit R” is a true and correct copy of a November , 2018 email chain bearing bates stamps SWA_Earl_00470815 – SWA_Earl_00470817.

20. Attached hereto as “Exhibit S” is a true and correct copy of a November 7, 2018 email chain bearing bates stamps SWA_Earl_00470829 – SWA_Earl_00470830.

21. Attached hereto as “Exhibit T” is a true and correct copy of a November 7, 2018 email chain bearing bates stamp SWA_Earl_00470976.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this
12th day of May, 2020.



Brian J. Dunne